

Executive Summary – Enforcement Matter – Case No. 53447
C.C. Crawford Retreading Company, Inc.
RN103074746
Docket No. 2016-1922-MSW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

C.C. Crawford Retreading, 101 West Avenue D, Ennis, Ellis County

Type of Operation:

Used tire repair and retreading and scrap tire processing and transporting facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2016-1987-MLM-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 8, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$48,750

Amount Deferred for Financial Inability to Pay: \$45,150

Total Paid to General Revenue: \$100

Total Due to General Revenue: \$3,500

Payment Plan: 35 payments of \$100 each

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 29, 2016

Date(s) of NOE(s): September 6, 2016

Executive Summary – Enforcement Matter – Case No. 53447
C.C. Crawford Retreading Company, Inc.
RN103074746
Docket No. 2016-1922-MSW-E

Violation Information

1. Failed to submit a new registration application within 10 days if a change in operations or management methods occurs such that the existing registration no longer adequately describes current operations or management methods at the Facility. Specifically, the Respondent has authorization as a processor (TCEQ Scrap Tire Registration No. 6025279) to store 5,000 off-the-road ("OTR") tires and 60 tons of tire pieces at the Facility. During an investigation conducted on June 29, 2016 and inventory conducted on June 30, 2016, the Respondent was storing 19,500 OTR tires and 404 tons of tire pieces at the Facility, which is in excess of the 30 day calendar day supply [30 TEX. ADMIN. CODE § 328.55(5)].
2. Failed to design the scrap tire storage site so that the health, welfare and safety of operators, transporters, and others who may utilize the site are maintained. Specifically, scrap tires were stored directly next to: the pyrolysis and chopping / shredding buildings; Avenue D and water cannons; outside the Facility's fence; within 10 feet from a fire hydrant; and 40 feet from Jack McKay Road and Oak Grove Road. Furthermore, the scrap tires were in piles that exceeded 8,000 square feet and were less than 40 feet apart, preventing access of firefighting equipment [30 TEX. ADMIN. CODE § 328.61(a)].
3. Failed to maintain the limit of three piles of whole used or scrap tires on the ground that cover an area no greater than 8,000 square feet. Specifically, scrap tire piles were observed on the ground next to the pyrolysis and processing building; directly next to Avenue D; within 40 feet from Jack McKay Road and Oak Grove Road; and outside the Facility's fence. Furthermore, the scrap tires were in piles that exceeded 8,000 square feet [30 TEX. ADMIN. CODE § 328.61(b)(1)].
4. Failed to maintain a minimum separation of 40 feet between outdoor piles consisting of scrap tires or tire pieces. Specifically, scrap tires were observed in separate piles less than 40 feet apart [30 TEX. ADMIN. CODE § 328.61(c)].
5. Failed to ensure that outdoor piles consisting of scrap tires or tire pieces and entire buildings used to store scrap tires or tire pieces are not within 40 feet of the property line or easements of the scrap tire storage site. Specifically, scrap tires were stored outside of the Facility fence; directly next to water cannons; and within 10 feet from a fire hydrant [30 TEX. ADMIN. CODE § 328.61(d)].
6. Failed to control access to the Facility to prevent unauthorized activities. Specifically, scrap tires were observed outside the Facility's fence [30 TEX. ADMIN. CODE § 328.61(f)].

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7. Failed to demonstrate financial assurance for closure, post closure, and corrective action for the Facility. Specifically, no financial assurance mechanism was in place for the tires and tire pieces stored at the Facility not covered by the current TCEQ Scrap Tire Registration No. 6025279 [30 TEX. ADMIN. CODE §§ 328.71(g) and 37.3011].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Immediately, cease storing additional unauthorized OTR tires and tire pieces at the Facility until proper authorization is obtained.

b. Within 30 days:

i. Submit an updated registration application as a scrap tire facility and storage site;

ii. Submit an estimate for the closure and evidence of financial responsibility for all tires and tire pieces at the Facility;

iii. Limit whole used or scrap tires stored on the ground to a maximum of three piles and cover an area no greater than 8,000 square feet at the Facility; and

iv. Ensure that measures are taken to store scrap tires on-site so that the health, welfare and safety of operators, transporters, and others who may utilize the site are maintained, including but not limited to: maintaining the tires and tire pieces in piles a minimum of 40 feet apart; within 40 feet from the property line or easements of the scrap tire storage site; away from water cannons and fire hydrants; and within the Facility's fence to prevent unauthorized activities.

c. In lieu of b., within 100 days, reduce the quantity of OTR tires and tire pieces on-site to no more than 5,000 OTR tires and 60 tons of tire pieces; and

d. Within 115 days, submit written certification to demonstrate compliance with a. through b.iv., or a. and c.

**Executive Summary – Enforcement Matter – Case No. 53447
C.C. Crawford Retreading Company, Inc.
RN103074746
Docket No. 2016-1922-MSW-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Margarita Dennis, Enforcement Division, Enforcement Team 7, MC R-04, (817) 588-5892; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Dirk Crawford, President, C.C. Crawford Retreading Company, Inc., 101 West Avenue D, Ennis, Texas 75119
Michael J. McGhan, CEO, C.C. Crawford Retreading Company, Inc., 101 West Avenue D, Ennis, Texas 75119

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	6-Sep-2016	Screening	10-Oct-2016	EPA Due	
	PCW	28-Nov-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	C.C. Crawford Retreading Company, Inc.		
Reg. Ent. Ref. No.	RN103074746		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	53447	No. of Violations	3
Docket No.	2016-1922-MSW-E	Order Type	1660
Media Program(s)	Waste Tires	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margarita Dennis
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$48,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustments for Compliance History.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$6,116
Estimated Cost of Compliance \$131,695

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$48,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$48,750

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$48,750
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DEFERRAL	20.0%	Reduction	Adjustment	-\$9,750
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$39,000
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Screening Date 10-Oct-2016

Docket No. 2016-1922-MSW-E

PCW

Respondent C.C. Crawford Retreading Company, Inc.

Policy Revision 4 (April 2014)

Case ID No. 53447

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103074746

Media [Statute] Waste Tires

Enf. Coordinator Margarita Dennis

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustments for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 10-Oct-2016

Docket No. 2016-1922-MSW-E

PCW

Respondent C.C. Crawford Retreading Company, Inc.

Policy Revision 4 (April 2014)

Case ID No. 53447

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103074746

Media [Statute] Waste Tires

Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 328.55(5)

Violation Description

Failed to submit a new registration application within 10 days if a change in operations or management methods occurs such that the existing registration no longer adequately describes current operations or management methods at the Facility. Specifically, the Respondent has authorization as a processor (TCEQ Scrap Tire Registration No. 6025279) to store 5,000 off-the-road ("OTR") tires and 60 tons of tire pieces at the Facility. During an investigation conducted on June 29, 2016 and inventory conducted on June 30, 2016, the Respondent was storing 19,500 OTR tires and 404 tons of tire pieces at the Facility, which is in excess of the 30 calendar day supply.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

103 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four monthly events are recommended from the June 29, 2016 investigation to the October 10, 2016 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$464

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent C.C. Crawford Retreading Company, Inc.
Case ID No. 53447
Reg. Ent. Reference No. RN103074746
Media Waste Tires
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	29-Jun-2016	3-Jun-2017	0.93	\$464	n/a	\$464
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to update a scrap tire management registration. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$464

Screening Date 10-Oct-2016

Docket No. 2016-1922-MSW-E

PCW

Respondent C.C. Crawford Retreading Company, Inc.

Policy Revision 4 (April 2014)

Case ID No. 53447

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103074746

Media [Statute] Waste Tires

Enf. Coordinator Margarita Dennis

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 328.61(a), (b)(1), (c), (d) and (f)

Violation Description

Failed to design the scrap tire storage site so that the health, welfare and safety of operators, transporters, and others who may utilize the site are maintained. Failed to maintain the limit of three piles of whole used or scrap tires on the ground that cover an area no greater than 8,000 square feet. Failed to maintain a minimum separation of 40 feet between outdoor piles consisting of scrap tires or tire pieces. Failed to ensure that outdoor piles consisting of scrap tires or tire pieces and entire buildings used to store scrap tires or tire pieces are not within 40 feet of the property line or easements of the scrap tire storage site. Also, failed to control access to the Facility to prevent unauthorized activities. Specifically, scrap tires were stored directly next to: the pyrolysis and chopping/shredding buildings, Avenue D, and water cannons; outside the Facility's fence; within 10 feet from a fire hydrant; and 40 feet from Jack McKay Road and Oak Grove Road. Furthermore, the scrap tires were in piles that exceeded 8,000 square feet and were less than 40 feet apart, preventing access of firefighting equipment.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 4

103 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Four monthly events are recommended from the June 29, 2016 investigation to the October 10, 2016 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$30,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,389

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000

Economic Benefit Worksheet

Respondent C.C. Crawford Retreading Company, Inc.
Case ID No. 53447
Reg. Ent. Reference No. RN103074746
Media Waste Tires
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$113,043	29-Jun-2016	3-Jun-2017	0.93	\$5,250	n/a	\$5,250
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	29-Jun-2016	3-Jun-2017	0.93	\$139	n/a	\$139

Notes for DELAYED costs

Estimated delayed cost to remove the excess 14,500 off-the-road tires (\$72,500) and 344 tons of shredded tires (\$40,543) and dispose of them at an authorized facility. Date required is the investigation date. Final date is the estimated date of compliance. Estimated delayed cost (\$3,000) to design the Facility to ensure the health, welfare and safety of operators, transporters and others are maintained. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$116,043** **TOTAL** **\$5,389**

Screening Date 10-Oct-2016

Docket No. 2016-1922-MSW-E

PCW

Respondent C.C. Crawford Retreading Company, Inc.

Policy Revision 4 (April 2014)

Case ID No. 53447

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103074746

Media [Statute] Waste Tires

Enf. Coordinator Margarita Dennis

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 328.71(g) and 37.3011

Violation Description

Failed to demonstrate financial assurance for closure, post closure, and corrective action for the Facility. Specifically, no financial assurance mechanism was in place for the tires and tire pieces stored at the Facility not covered by the current TCEQ Scrap Tire Registration No. 6025279.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

103 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$262

Violation Final Penalty Total \$3,750

This violation Final Assessed Penalty (adjusted for limits) \$3,750

Economic Benefit Worksheet

Respondent C.C. Crawford Retreading Company, Inc.

Case ID No. 53447

Reg. Ent. Reference No. RN103074746

Media Waste Tires

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,652	29-Jun-2016	3-Jun-2017	0.93	\$262	n/a	\$262

Notes for DELAYED costs

Estimated cost to prepare and submit a mechanism to demonstrate acceptable financial assurance for the closure, post closure, and corrective action. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,652

TOTAL

\$262

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN601613425, RN103074746, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN601613425, C. C. Crawford Retreading Company, Inc. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN103074746, CC CRAWFORD RETREADING **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 101 W AVENUE D ENNIS, TX 75119-6844, ELLIS COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXR000077964

TIRES REGISTRATION 6025279

AIR NEW SOURCE PERMITS REGISTRATION 70149

AIR NEW SOURCE PERMITS REGISTRATION 100701

AIR NEW SOURCE PERMITS REGISTRATION 135692

STORMWATER PERMIT TXR05CK41

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 10, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 10, 2011 to October 10, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Margarita Dennis

Phone: (817) 588-5892

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator?
Tyler Dirty Dozen, Inc. OPERATOR since 1/1/1800
C. C. Crawford Retreading Company, Inc. OWNER OPERATOR since 1/1/1800
Freestone Dynamis Energy Products, LLC OWNER since 9/17/2015
Freestone Resources, Inc. OWNER since 6/24/2016
- 4) Who was/were the prior owner(s)/operator(s)? CC CRAWFORD RETREADING COMPANY, OWNER, 6/11/2014 to 6/23/2016

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
C.C. CRAWFORD RETREADING
COMPANY, INC.
RN103074746**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-1922-MSW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding C.C. Crawford Retreading Company, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a used tire repair and retreading and scrap tire processing and transporting facility located at 101 West Avenue D in Ennis, Ellis County, Texas (the "Facility"). The Facility involves or involved the management of municipal solid waste ("MSW") including scrap tires as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$48,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Revenue Operations Section of TCEQ's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all or part of the penalty. Therefore, \$45,150 of the penalty is deferred

contingent upon the Respondent's compliance with all the terms of this Order and shall be waived only upon full compliance with this Order. If the Respondent fails to comply with any requirement of this Order, including any payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent paid \$100 of the undeferred penalty. The remaining amount of \$3,500 of the undeferred penalty shall be paid in 35 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Order and the Executive Director may demand payment of all or part of the deferred penalty.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation conducted on June 29, 2016, an investigator documented that the Respondent:

1. Failed to submit a new registration application within 10 days if a change in operations or management methods occurs such that the existing registration no longer adequately describes current operations or management methods at the Facility, in violation of 30 TEX. ADMIN. CODE § 328.55(5). Specifically, the Respondent has authorization as a processor (TCEQ Scrap Tire Registration No. 6025279) to store 5,000 off-the-road ("OTR") tires and 60 tons of tire pieces at the Facility. During an investigation conducted on June 29, 2016 and inventory conducted on June 30, 2016, the Respondent

was storing 19,500 OTR tires and 404 tons of tire pieces at the Facility, which is in excess of the 30 day calendar day supply.

2. Failed to design the scrap tire storage site so that the health, welfare and safety of operators, transporters, and others who may utilize the site are maintained, in violation of 30 TEX. ADMIN. CODE § 328.61(a). Specifically, scrap tires were stored directly next to: the pyrolysis and chopping/shredding buildings; Avenue D and water cannons; outside the Facility's fence; within 10 feet from a fire hydrant; and 40 feet from Jack McKay Road and Oak Grove Road. Furthermore, the scrap tires were in piles that exceeded 8,000 square feet and were less than 40 feet apart, preventing access of firefighting equipment.
3. Failed to maintain the limit of three piles of whole used or scrap tires on the ground that cover an area no greater than 8,000 square feet, in violation of 30 TEX. ADMIN. CODE § 328.61(b)(1). Specifically, scrap tire piles were observed on the ground next to the pyrolysis and processing building; directly next to Avenue D; within 40 feet from Jack McKay Road and Oak Grove Road; and outside the Facility's fence. Furthermore, the scrap tires were in piles that exceeded 8,000 square feet.
4. Failed to maintain a minimum separation of 40 feet between outdoor piles consisting of scrap tires or tire pieces, in violation of 30 TEX. ADMIN. CODE § 328.61(c). Specifically, scrap tires were observed in separate piles less than 40 feet apart.
5. Failed to ensure that outdoor piles consisting of scrap tires or tire pieces and entire buildings used to store scrap tires or tire pieces are not within 40 feet of the property line or easements of the scrap tire storage site, in violation of 30 TEX. ADMIN. CODE § 328.61(d). Specifically, scrap tires were stored outside of the Facility fence; directly next to water cannons; and within 10 feet from a fire hydrant.
6. Failed to control access to the Facility to prevent unauthorized activities, in violation of 30 TEX. ADMIN. CODE § 328.61(f). Specifically, scrap tires were observed outside the Facility's fence.
7. Failed to demonstrate financial assurance for closure, post closure, and corrective action for the Facility, in violation of 30 TEX. ADMIN. CODE §§ 328.71(g) and 37.3011. Specifically, no financial assurance mechanism was in place for the tires and tire pieces stored at the Facility not covered by the current TCEQ Scrap Tire Registration No. 6025279.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements

set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: C.C. Crawford Retreading Company, Inc., Docket No. 2016-1922-MSW-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease storing additional unauthorized OTR tires and tire pieces at the Facility until proper authorization is obtained.
 - b. Within 30 days after the effective date of this Order:
 - i. Submit an updated registration application as a scrap tire facility and storage site, in accordance with 30 TEX. ADMIN. CODE §§ 328.55, 328.59, 328.60, 328.61, 328.63, and 328.69;
 - ii. Submit an estimate for the closure and evidence of financial responsibility for all tires and tire pieces at the Facility, in accordance with 30 TEX. ADMIN. CODE § 328.71;
 - iii. Limit whole used or scrap tires stored on the ground to a maximum of three piles and cover an area no greater than 8,000 square feet at the Facility, in accordance with 30 TEX. ADMIN. CODE§ 328.61; and
 - iv. Ensure that measures are taken to store scrap tires on-site so that the health, welfare and safety of operators, transporters, and others who may utilize the site are maintained, including but not limited to: maintaining the tires and tire pieces in piles a minimum of 40 feet apart; within 40 feet from the property line or easements of the scrap tire storage site; away from water cannons and fire hydrants; and within the Facility's fence to prevent unauthorized activities, in accordance with 30 TEX. ADMIN. CODE § 328.61.
 - c. In lieu of Ordering Provision No. 2.b, within 100 days after the effective date of this Order, reduce the quantity of OTR tires and tire pieces on-site to no more than 5,000 OTR tires and 60 tons of tire pieces as described in Scrap Tire Registration No. 6025279; and
 - d. Within 115 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos.

2.a through 2.b.iv, or 2.a and 2.c. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

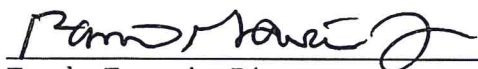
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



7/30/18

For the Executive Director

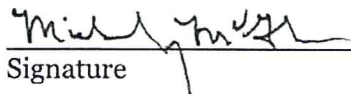
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4-20-18

Date

Michael J. McGhan

Name (Printed or typed)

CEO

Title

Authorized Representative of

C.C. Crawford Retreading Company, Inc.

☐ If mailing address has changed, please check this box and provide the new address below: